

**DATE:** April 21, 2021

**TO:** ALL INTERESTED PARTIES

/s/ **SUZANNE M. AMBROSE**

**FROM:** Suzanne M. Ambrose  
Executive Officer

**SUBJECT: NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATION**

---

**Notice is hereby given** that the State Personnel Board (Board) has made changes to the proposed text for section 242 (Section 242) of Title 2, Chapter 1, of the California Code of Regulations (CCR).

The changes are in response to comments received during the 45-day public comment period regarding Section 242. The changes being made are:

1. The regulation has been amended to clarify that the section's intent is not to prohibit promotions in place to high level specialist classifications, whether those high level specialist classifications are identified as supervisory or managerial.
2. The regulation has been amended to reinstate the requirement that appointing powers notify those eligibles not selected for a promotion of the reasons for their decision in writing. However, further text has been added to clarify that this written documentation shall not be placed in the eligible employee's official personnel file.
3. The regulation has been amended to clarify that the section's intent is that promotions in place are promotions within the *same* job and as such, the "to" and "from" classifications must share the same job functions just at a higher level.
4. The regulation has been amended to clarify that those employees with reinstatement eligibility may also qualify for promotion in place when all other criteria of section 242 have been met.
5. The California Supreme Court recently issued administrative orders creating a Provisional Licensure Program (PLP) for recent law school graduates to practice law as provisionally licensed lawyers. In an effort to facilitate the hiring and promotion of

Notice of Modification to Text of Proposed Regulation

April 21, 2021

Page 2

qualified and competent law school graduates to fill vacant entry-level attorney positions, the Board proposes an exception to section 242 which allows law school graduates in the PLP to be promoted in place without permanent or probationary status.

If you have any comments regarding the proposed changes, the Board will accept written comments between April 22, 2021 and June 7, 2021. All written comments must be submitted to the Board by June 7, 2021 and addressed to:

Lori Gillihan, Chief  
Policy Division  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814  
Email: [lori.gillihan@spb.ca.gov](mailto:lori.gillihan@spb.ca.gov)

All written comments received by June 7, 2021, which pertain to the indicated changes will be reviewed and responded to by the Board as part of the compilation of the rulemaking file. Please limit your comments to the modifications of the text.